

EB2 Workloads



I-129 – Petition for a Nonimmigrant Worker

- H-1B Initial Cap Filings
- H-1B EOS and Amendments
- H-1B Cap Exempt Filings (*CSC has sole jurisdiction of H-1B petitions filed by cap-exempt employers*)

I-129CW – Petition for a CNMI-Only Nonimmigrant Transitional Worker (*CSC has sole jurisdiction*)

I-539 – Concurrently filed Application To Extend/Change Nonimmigrant Status

I-765 – Application for Employment Authorization

- C26 – Employment authorization for Certain H-4 Dependent Spouses

Final Filing Tips



In general, if you are submitting evidence in response to this request, also submit the following:

RHC1

- An index of the evidence and include corresponding tabs for each section of evidence.
- Clear and legible copies of the evidence. If clear and legible copies are not possible, submit the original documents. RHC2
These originals will be returned, if requested.

Slide 2



Filing Tips Continued



- **If you are requesting consulate notification, provide a duplicate copy of: Form I-129 (including LCA); initial evidence; and any evidence submitted in response to this request.**
- **If the beneficiary is in the United States and you are requesting a change of status or extension of stay, you may also choose to submit a duplicate copy of the Form I-129 and supporting evidence in case the beneficiary decides to seek a visa at a consular office abroad.**

Filing Tips Continued



Full English language translation(s) of all documents submitted to USCIS that are in foreign language(s). The translator must certify that the translations are accurate and complete and that the translator is competent to translate from the foreign language into English. Documentation not in English and not accompanied by a translation that meets the requirements described above cannot be considered.

H-1B CAP petition processing time and tips when filing H-1B petitions



USCIS generally processes cases in the order they are received. On May 11, 2017, CSC began adjudication of the FY 18 cap-subject H-1B petitions. USCIS is working hard to process most FY 18 CAP cases by September 30, 2017 and has prioritized these cases accordingly. For FY 18, CSC received 58,800 CAP cases.

-Tips: Make sure the petition is filled out completely, correctly, and includes all required signatures. Also, provide supporting documents to substantiate all claims.

Tips for H-1B amended petitions



- Explain in the supporting letter the reasons why the amended petition is being filed (e.g. change in work location; change in job duties; or change in wages). Discuss what has changed.
- Amended petitions must be filed when there are material changes to the previously approved Form I-129 that *may* affect the beneficiary or the employer's eligibility. Evidence that the position is a specialty occupation; that the beneficiary is qualified for the position; or that an employer-employee relationship will exist, should be submitted.

Simeio-related amended petitions



- State in the supporting letter the work location(s) where the beneficiary was previously approved to work;
- State the work location(s) where the beneficiary actually worked and the period(s) the beneficiary worked at those location(s);
- Provide copies of all LCA(s) obtained for any new work location(s) that were not previously approved; and
- Provide supporting documents such as payroll records to show the beneficiary's work location(s).

Anticipated Questions



- AC21 (no deference for affiliation, 10 day grace, 60 day window)
- Rescission memo
- Deference computer programmer
- PP timeline
- Workload sharing/shifts
- New officers
- Pre-submitted questions are due 6/5/2017